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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,341	03/29/2001	Timothy L. Hoopman	53628USA5D.013	6583

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EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 03/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/821,341

Applicant(s)
Hoopman

Examiner
Clark F. Dexter

Art Unit
3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-45 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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DETAILED ACTION

Drawings

1. The drawings are objected to because of the following informalities:

In Figure 4, numeral 23 should be added for clarity.

In Figure 6, it seems that "20" should be changed to --20, A-- or the like for clarity.

In Figure 14A, numerals 12, 44 and 50 should be changed to 12', 44' and 50', respectively, for clarity, particularly since they represent modified versions of the respective features.

Section line 13-13 as described on page 11, line 15 is not shown.

Numeral 46 (e.g., described on page 16, line 1) is not shown.

Appropriate correction is required.

Specification

2. The disclosure is objected to because of the following informalities:

On page 11, line 25, "15" appears to be inaccurate and it seems that it should be changed to --16--.

On page 13, line 5, a character representing each angle should be inserted after each occurrence of "angle" for clarity.

←

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On page 14, line 19, ✓“4” appears to be inaccurate, and it seems that it should be changed to --5--.

On page 15, line 10, ✓numeral 18 appears to be inaccurate, and it seems that it should be changed to --19--.

On page 16, line 18, ✓“60” appears to be inaccurate, and it seems that it should be changed to --63--; in line 24, ✓“56” is inaccurate and should be changed to --56c--.

On page 18, line 27, ✓--12'-- should be inserted after “wheel” for clarity; in line 28, ✓“50” is inaccurate since it represents a modified version of feature 50, and it should be changed to --50'-- or the like; in line 29, ✓numerals 44 (both occurrences) and 12 should be changed to --44'-- and --12'-- , respectively , since they represent modified versions of their respective features. ← OK

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 37-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 37, line 2, “body” is vague and indefinite as to what disclosed feature it refers, ← * no numeral and it is suggested to simply add this term to the Detailed Description portion of the specification; also in line 2, ✓“major opposed” should be changed to --opposed major-- or the like for clarity.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 37, 38, 41, 42 and 45 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Andrews, pn 156,748.

Claim Rejections - 35 USC § 102/103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 39, 40, 43 and 44 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Andrews, pn 156,748.

Andrews discloses a cutting device with every structural limitation of the claimed invention including the claimed angle differences.

In the alternative, if it is argued that Andrews does not explicitly disclose the angles and thus does not disclose the differences in the angles, the Examiner takes Official notice that to

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provide a plurality of teeth on a cutting device wherein the teeth are significantly different and include angles that differ by at least 3 degrees and at least 10 degrees is old and well known in the art for various known benefits such as for providing progressively-shaped teeth to perform progressive cutting operations. Therefore, it would have been obvious to one having ordinary skill in the art to provide teeth having different configurations with the claimed angle differences for the well known benefits including that described above.

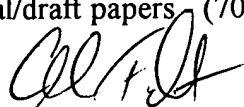
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



Clark F. Dexter
Primary Examiner
Art Unit 3724

cfid

March 25, 2002